

13816. Adulteration of shell eggs. U. S. v. 380 Cases of Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20463. I. S. No. 1407-x. S. No. C-4817.)

On or about September 3, 1925, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 380 cases of eggs, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Hastings Poultry Co., from Hastings, Nebr., August 29, 1925, and transported from the State of Nebraska into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid substance.

On September 15, 1925, the Hastings Poultry Co., Hastings, Nebr., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the eggs be candled, the bad portion destroyed, and the good portion released.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13817. Adulteration of shell eggs. U. S. v. 58 Cases of Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20364. I. S. No. 1254-x. S. No. C-4795.)

On or about July 31, 1925, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 58 cases of eggs, at Chicago, Ill., alleging that the article had been shipped by A. F. Parsons, from Woonsocket, S. Dak., on or about July 23, 1925, and transported from the State of South Dakota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On September 15, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal, said decree providing, however, that any portion of the product found by this department to be fit for food be sold by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13818. Misbranding of feeds. U. S. v. Milam-Morgan Co., Ltd. Plea of guilty. Fine, \$150. (F. & D. No. 17917. I. S. Nos. 6053-v, 6054-v, 10279-v.)

On May 14, 1924, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Milam-Morgan Co. (Ltd.), a corporation, New Orleans, La., alleging shipment by said company, in violation of the food and drugs act, in various consignments, namely, on or about September 14 and October 14, 1922, from the State of Louisiana into the States of Georgia and Florida, respectively, of quantities of horse and mule feed, and on or about October 14, 1922, from the State of Louisiana into the State of Florida, of a quantity of saccharine meal, all of which were misbranded. The articles were labeled in part, respectively: "Perfecto Horse And Mule Feed Manufactured By Milam-Morgan Co., Ltd. New Orleans, La. Guaranteed Analysis * * * Protein 9.00%" and "Steam-dried Sacharine Meal Manufactured by Milam-Morgan Co., Ltd. New Orleans, La., * * * Guaranteed Analysis * * * Protein 7.00%."

Misbranding of the articles was alleged in the information for the reason that the statements, to wit, "Guaranteed Analysis * * * Protein 9.00%" and "Guaranteed Analysis * * * Protein 7.00%," borne on the labels of the respective articles, were false and misleading, in that the said statements represented that the articles contained not less than 9 per cent of protein nor less than 7 per cent of protein, as the case might be, and for the further reason that they were labeled as aforesaid so as to deceive and mislead the pur-

chaser into the belief that they contained not less than 9 per cent of protein or not less than 7 per cent of protein, as the case might be, whereas the said articles did contain less protein than so represented, the two consignments of horse and mule feed containing approximately 7.98 per cent and 8.13 per cent of protein, respectively, and the saccharine meal containing approximately 5.33 per cent of protein.

On September 21, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13819. Adulteration and misbranding of canned oysters. U. S. v. Pelican Lake Oyster & Packing Co., Ltd. Plea of guilty. Fine, \$300.
(F. & D. No. 18745. I. S. Nos. 5348-v, 8008-v.)

On September 30, 1924, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Pelican Lake Oyster & Packing Co. (Ltd.), a corporation, Houma, La., alleging shipment by said company, in two consignments, namely, on or about February 28, 1923, from the State of Louisiana into the State of Kansas, and on or about March 16, 1923, from the State of Louisiana into the State of California, of quantities of canned oysters which were adulterated and misbranded. The article was labeled in part: (Can) "'Pelican Lake' Brand Contents 5 Oz. Selected Oysters * * * Packed By Pelican Lake Oyster & Packing Co., Ltd. Houma, La."

Examination by the Bureau of Chemistry of this department of 24 cans of the article from one shipment and 36 cans from the other showed that the average net weight was 4.5 ounces and 4.65 ounces, respectively.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water and brine, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement, to wit, "Contents 5 Oz.," borne on the cans containing the article, was false and misleading in that the said statement represented that each of the cans contained 5 ounces of oysters, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained 5 ounces of oysters, whereas each of said cans did not contain 5 ounces of oysters but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 21, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$300.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13820. Misbranding of feed. U. S. v. Grain Belt Mills Co. Plea of guilty. Fine, \$25. (F. & D. No. 18304. I. S. No. 10733-v.)

On August 16, 1924, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Grain Belt Mills Co., a corporation, St. Joseph, Mo., alleging shipment by said company, in violation of the food and drugs act, on or about April 11, 1923, from the State of Missouri into the State of Mississippi, of a quantity of feed which was misbranded. The article was labeled in part: (Sack) "Bonanza Horse & Mule Feed Grain Belt Mills Co. St. Joseph, Mo. U. S. A. Analysis Protein 9%."

Misbranding of the article was alleged in the libel for the reason that the statement, to wit, "Protein 9%," borne on the sacks containing the said article, was false and misleading, in that the said statement represented that the article contained not less than 9 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 9 per cent of protein, whereas it did contain less than 9 per cent of protein, to wit, 7.85 per cent of protein.

On September 22, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

R. W. DUNLAP, *Acting Secretary of Agriculture.*